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August 22, 2007

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VIA FACSIMILE (914) 390-4179

Honorable Stephen C. Robinson
United States District Judge
Southern District of New York
United States Courthouse, Room 633
300 Quarropas Street
White Plains, New York 10601-4150

MEMO ENDORSED

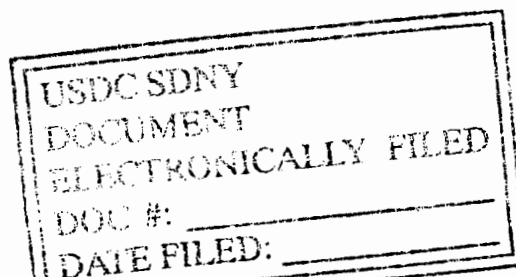
Re: Encompass Insurance Co. a/s/o Juan Polanco and Martina Fernandez
v. DeLima Contractors, Inc., et. al.
Civil Action No.: 07 CV 3857
Our File No.: 167575

Dear Judge Robinson:

As Your Honor may be aware, Cozen O'Connor represents the plaintiff, Encompass Insurance Company in the above-referenced matter. I am writing for the purpose of requesting an extension of time to submit a proposed Scheduling Order to the Court, as well as an adjournment of the Initial Case Management Conference scheduled for Friday, September 7, 2007.

As Your Honor may also be aware, this is our second request for an extension of time and an adjournment of the Initial Case Management Conference. Our prior request was granted pursuant to an endorsed letter.

I am making the above request because we have been unable to effectuate service on one of the three named defendants, who is intentionally attempting to avoid service of the Summons and Complaint. Furthermore, our records reflect that we have yet to receive an Answer on behalf of defendant DeLima Contracting, who voluntarily agreed to waive service pursuant to Rule 4 of the Federal Rules of Civil Procedure.



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In light of the foregoing, I have been unable to consult with counsel for all of the parties regarding the dates to incorporate into the proposed Scheduling Order. As such, I respectfully request that the Court extend the deadline for submission of a proposed Scheduling Order and reschedule the Initial Case Management Conference in this case.

Your Honor's time and consideration are greatly appreciated.

Very truly yours,

COZEN O'CONNOR


By: John B. Galligan

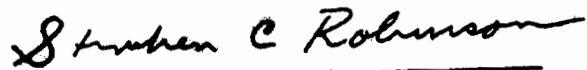
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cc: (Via Facsimile - 212-832-3235)

Stephen Cunningham, Esq.
Lustig & Brown, LLP
28 West 44th Street, 20th Floor
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Case Management Conference is
rescheduled for Fri., Oct. 12 at
10 a.m. The parties are directed to
submit a proposed scheduling order
on that date.

APPLICATION GRANTED



HON. STEPHEN C. ROBINSON

18/23/07